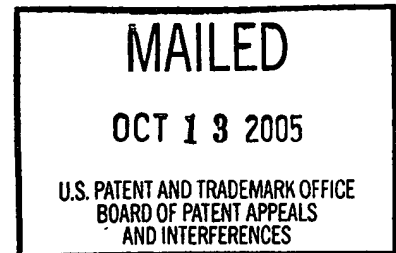


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ALAIN BETHUNE
and
SOPHIE HELENE VAYRETTE

Application 09/824,244



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on June 14, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner for matters requiring attention prior to docketing as an appeal.

Upon review of the Examiner's Answer mailed January 13, 2005, it is found the Answer is non-compliant with the New Rules set forth in 37 CFR § 41.39 effective September 13, 2004.

Application 09/824,244

A review of the application reveals that the following sections are missing from the Examiner's Answer in the proper order stated in the Rules:

- (5) Summary of the Claimed Subject Matter;
- (6) Grounds of Rejection to be Reviewed on appeal;
- (7) Claims appealed;
- (8) Evidence Appendix;
- (9) Related Proceedings Appendix;
- (10) Reference of Record;
- (11) Grounds of Rejection; and
- (12) Response to Argument.

The Examiner's Answer filed on January 13, 2005, does not comply with the New Rules under 37 CFR § 41.39(1)(a). For more information on the Board's New Rules, please see the web page entitled "More Information on the rules of Practice Before the BPAI," Final Rule located at the following URL:

www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html

Attention and correction is required pertaining to the headings in the Examiner's Answer.

Application 09/824,244

Accordingly, it is

ORDERED that the application is returned to the
Examiner to:

(1) to submit a new examiner's answer to include all
the proper headings in the proper order;

(2) have a complete copy of the new Examiner's Answer
and any subsequent answer scanned into the record; and

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

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